

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 112

To require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. HOLT introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REQUIREMENT FOR VIDEOTAPE RECORDINGS**  
2 **OF INTERROGATIONS AND OTHER PERTI-**  
3 **NENT INTERACTIONS AMONG DETAINEES OR**  
4 **PRISONERS IN THE CUSTODY OF OR UNDER**  
5 **THE EFFECTIVE CONTROL OF THE UNITED**  
6 **STATES AND MEMBERS OF THE ARMED**  
7 **FORCES OF THE UNITED STATES, INTEL-**  
8 **LIGENCE OPERATIVES OF THE UNITED**  
9 **STATES, AND CONTRACTORS OF THE UNITED**  
10 **STATES.**

11 (a) IN GENERAL.—In accordance with the Geneva  
12 Conventions of 1949, the International Covenant on Civil  
13 and Political Rights, the Convention Against Torture and  
14 Other Cruel, Inhuman, or Degrading Treatment or Pun-  
15 ishment, and prohibitions against any cruel, unusual, and  
16 inhumane treatment or punishment under the Fifth,  
17 Eighth, and Fourteenth Amendments to the Constitution  
18 of the United States, the President shall take such actions  
19 as are necessary to ensure that any interrogations and  
20 other pertinent interactions between an individual who is  
21 a detainee or prisoner in the custody or under the effective  
22 control of the armed forces of the United States pursuant  
23 to an interrogation, or other pertinent interaction, for the  
24 purpose of gathering intelligence and a member of the  
25 armed forces of the United States, an intelligence opera-

1 tive of the United States, or a contractor of the United  
2 States, is videotaped.

3 (b) CLASSIFICATION OF INFORMATION.—The Presi-  
4 dent shall provide for the appropriate classification, to  
5 protect United States national security and the privacy of  
6 detainees or prisoners held by the United States, of video-  
7 tapes referred to in subsection (a). Videotapes shall be  
8 made available, under seal if appropriate, to both prosecu-  
9 tion and defense to the extent they are material to any  
10 military or civilian criminal proceeding.

11 **SEC. 2. UNFETTERED ACCESS PRISONERS AND DETAINEES**  
12 **OF THE UNITED STATES TO ENSURE INDE-**  
13 **PENDENT MONITORING AND TRANSPARENT**  
14 **INVESTIGATIONS.**

15 The President shall take such actions as are nec-  
16 essary to ensure that representatives of the following orga-  
17 nizations are immediately granted unfettered access to de-  
18 tainees or prisoners in the custody or under the effective  
19 control of the armed forces of the United States:

20 (1) The International Federation of the Inter-  
21 national Committee of the Red Cross and the Red  
22 Crescent.

23 (2) The United Nations High Commissioner for  
24 Human Rights.

1           (3) The United Nations Special Rapporteur on  
2       Torture.

3       **SEC. 3. GUIDELINES FOR VIDEOTAPE RECORDINGS.**

4       (a) DEVELOPMENT OF GUIDELINES.—The Judge  
5       Advocate General (as defined in section 801(1) of title 10,  
6       United States Code, (Article I of the Uniform Code of  
7       Military Justice)) shall develop guidelines designed to en-  
8       sure that the videotaping required under section 1 is suffi-  
9       ciently expansive to prevent any abuse of detainees and  
10      prisoners referred to in section 1(a) and violations of law  
11      binding on the United States, including treaties specified  
12      in section 1(a).

13      (b) 30-Day DEADLINE FOR SUBMITTAL TO CON-  
14      GRESS.—Not later than 30 days after the date of the en-  
15      actment of this Act, the Judge Advocate General shall  
16      submit to Congress a report containing the guidelines de-  
17      veloped under subsection (a).

○